

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-24 were pending prior to the Office Action. Claims 24-32, which had been withdrawn from consideration have been cancelled. Also, claims 33-36 have been added. Therefore, claims 1-23 and 33-36 are pending. Claim 1 is independent.

OBJECTION TO THE CLAIMS

The claims are objected to for minor informalities. *See Office Action, page 2.* Claims 14 and 21 have been amended as suggested by the Examiner to address this objection. Applicants respectfully request that the objection to the claims be withdrawn.

§ 102 REJECTION – UENO

Claims 1-7 and 9-23 stand rejected under 35 USC 102(e) as allegedly being anticipated by Ueno et al. (US Publication 2002/0024535, hereinafter “Ueno”). *See Office Action, page 2.* Applicants respectfully traverse.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Ueno fails to teach or suggest each and every claimed element. For example, independent claim 1 recites, in part “retrieving channel data for a plurality of nodes in the network.” For at least the reasons discussed below, Ueno cannot be relied upon to teach or suggest at least this feature.

More specifically, Ueno is directed toward network management equipment for managing an information transmission system, such as an optical submarine cable system. *See paragraph [0004]*. In the Office Action, the Examiner specifically relies upon Figure 3 and paragraph [0011] to teach or suggest the above-recited feature. However, closer inspection of the relied upon portion of Ueno merely discloses that a plurality of work stations, the connections between the work stations and whether the connections between the work stations are operating correctly or whether the station itself is operating correctly may be displayed. Ueno is completely silent regarding retrieving channel data as recited in claim 1.

In other words, Figure 3 merely discloses transmission path icons indicative of transmission paths connecting the respective work stations in a graphical manner. Merely disclosing connection information cannot be equivalent to retrieving channel data so that a graphical image of the channel map can be displayed. For the purposes of clarification only, independent claim 1 has been amended to recite “wherein the channel data include information regarding bands and channels utilized in the network, wherein the network

utilizes a plurality of bands and each band has a plurality of channels.” Clearly, as clarified, Ueno cannot be relied upon to teach or suggest the feature of retrieving channel data as recited in claim 1.

It then naturally follows that Ueno cannot be relied upon to teach or suggest generating a graphical image of the channel map and cannot be relied upon to teach or suggest the feature of displaying the graphical image of the channel map. Therefore, independent claim 1 is distinguishable over Ueno.

Claims 2-7 and 9-23 depend from independent claim 1 directly or indirectly. Therefore, for at least the reasons stated above with respect to independent claim 1, these dependent claims are also distinguishable over Ueno.

Applicants respectfully request that the rejection of claims 1-7 and 9-23 based on Ueno be withdrawn.

§ 103 REJECTION – UENO, LANGFAHL

Claim 8 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Ueno in view of Langfahl Jr. (USP 6,031,528). *See Office Action, page 7.* Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie case* of obviousness is that the prior art references, when

combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

It is noted that claim 8 depends from independent claim 1 and it has been shown above that claim 1 is distinguishable over Ueno. Langfahl has not been, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Ueno. Therefore, independent claim 1 is distinguishable over the combination of Ueno and Langfahl. For at least due to the dependency thereon, claim 8 is also distinguishable over the combination of Ueno and Langfahl.

Applicants respectfully request that the rejection of claim 8 based on Ueno and Langfahl be withdrawn.

NEW CLAIMS

Claims 33-36 have been added through this Reply. All new claims are believed to be distinguishable over the cited references individually or any combination. Applicants respectfully request that the new claims be accepted.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to

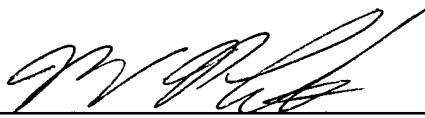
be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

By: _____


Michael R. Cammarata
Reg. No. 39,491

HNS

MRC/HNS/jm
4450-312P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

AMENDMENTS TO THE DRAWINGS

Attached hereto is one sheet of proposed drawing change to amend Figure 1. More specifically, element 120 is proposed to be added as shown to enhance consistency with the specification. Applicants respectfully request that the proposed drawing change be accepted. Upon acceptance, a corrected formal drawing will be submitted.